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Department of Workforce Development

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State Agency issues penalties in death of minor at work

Violations include 5 other minor employees

Milwaukee – Wisconsin Department of Workforce Development (DWD) Secretary Roberta Gassman today announced the department has completed its investigation of child labor law violations in the case of Joshua Reif of Waukesha. The department found that Mr. Reif's employer, Automotive Truck and Service, Inc., 13990 W. Lisbon Ave Brookfield, Wisconsin, violated Wisconsin child labor laws and rules and those violations were directly connected to the death of Mr. Reif.

The department's Division of Equal Rights, charged with enforcement of the state's child labor laws and rules, began an investigation upon receiving notice that a 17 year old minor, Joshua Reif, had suffered a fatal work place injury while working for Automotive Truck and Service Inc. The results of that investigation are now complete. On December 06, 2005 Joshua Reif was employed by Automotive Truck and Service Inc. and sustained a fatal accident during that employment. On that date, Automotive Truck and Service, Inc. allowed Reif to operate a tow truck, exceeding gross vehicle weight of 6,000 pounds, during non-daylights hours. The operation of the vehicle was on public roadways for the purpose of transporting property for hire. The operation of this tow vehicle and its hoisting apparatus was directly related to Mr. Reif's fatal accident. The operation of the vehicle and hoist was in violation of Wisconsin child labor laws.

Through its investigation the department also found the employer violated child labor laws in its employment of 5 other minors, in addition to the violations under which Mr. Reif was employed. Violations included allowing minors to work in excess of 5 hours per day on school days, not allowing a meal break of at least 30 minutes when the minor worked in excess of six hours, failing to document that the minors had work permits prior to beginning work with the employer, and allowing minors to work in activities and utilizing vehicles and equipment strictly prohibited by Wisconsin Statute and Administrative Rules. The department has assessed approximately \$11,993 in penalty wages to Automotive Truck and Service, Inc. A total of 1,434 violations were identified. Each hour of work counts as one violation for computing penalty wages due.

The penalty wages represent double time for the hours the minors worked and the employer was in violation of child labor laws. The penalty wages are payable to the minor and are in addition to the regular wages earned by the minor. Penalty wages assessed based on the employment of Joshua Reif are payable to his estate.

Automotive Truck and Service, Inc. has 10 days to appeal the department's decision or pay the penalty wages. The wages are payable to the minors, but forwarded to DWD for distribution. DWD will also determine if the case should be referred to the Wisconsin Department of Justice for further forfeiture assessment. The statutory forfeitures could amount to an additional \$35,850 to \$1,434,000 that would be paid into the state school fund. A decision on possible referral to DOJ for possible statutory forfeitures will be made in the next several weeks.

The department's Workers Compensation Division is also investigating the on-the-job fatality of Joshua Reif to determine if further penalties are due under the Workers Compensation Act.

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